

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LEMANUEL JACKSON,**

**Plaintiff,**

**v.**

**Case No. 03-C-941**

**OFFICER PFEIFFER,  
OFFICER ROTTSCROLL,  
and KRISTIAN P. PERALES,**

**Defendants,**

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**ORDER**

Plaintiff Lemanuel Jackson, who is incarcerated at the Oakhill Correctional Institution, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff was granted leave to proceed in forma pauperis on a Fourth Amendment excessive force claim and a conspiracy claim. Presently before the court is plaintiff's motion for leave to file a second amended complaint. (Docket #77.)

Plaintiff seeks leave of court to file a second amended complaint which seeks to add seventeen new parties to this action as well as multiple claims against each of the new defendants. The first amended complaint, which was filed on March 23, 2005, is the operative complaint in this action.

Court records show that plaintiff's motion was filed on December 13, 2005. To date, defendants have not filed a response to plaintiff's motion. However, plaintiff did not file a certificate of service or any other document demonstrating that he served the three named defendants in this case with his motion and proposed amended complaint as required under Rule 5(a), Federal Rules of Civil Procedure. Plaintiff was notified of his obligation under

Rule 5(a) to send a copy of every paper or document filed with the court to the opposing parties or their attorneys in the court's order of October 29, 2003. (Docket # 4.) He was also advised that the court is entitled to disregard any papers or documents which do not indicate that a copy has been sent to the opposing parties or to their attorneys.

Because plaintiff has not demonstrated that he served the above-named defendants with the instant motion, the court will deny plaintiff's motion for leave to file a second amended complaint, without prejudice. If plaintiff elects to refile his motion, he must do so within twenty-one days of the date of this order. In addition, he must serve the above-named defendants with the motion and proposed amended complaint and file a certificate of service with the court in compliance with Rule 5(a), Federal Rules of Civil Procedure.

**For the foregoing reasons,**

**IT IS THEREFORE ORDERED** that plaintiff's motion to file a second amended complaint (Docket #77) be and hereby is **DENIED**, without prejudice. Plaintiff is advised that if he elects to refile his motion, he must do so within twenty-one (21) days of the date of this order and must comply with Rule 5(a), Federal Rules of Civil Procedure.

Dated at Milwaukee, Wisconsin, this 13 day of January, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge